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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

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13 UNITED STATES OF AMERICA,	)	No. CR 05-00734-RMW
14 Plaintiff,	)	
15 v.	)	STIPULATION REGARDING
16 STEPHEN BROWN,	)	EXCLUDABLE TIME AND
17 aka blahz, aka sab,	)	ORDER
18 Defendant.	)	
19	)	

20 It is hereby stipulated and agreed between defendant Stephen Brown, and his Counsel Alan  
21 Schwartz, and the United States as follows:

22 This matter was set for a status conference on March 6, 2006 at 9:00 a.m. In this copyright  
23 infringement case, the defense needs more time to prepare, review discovery previously  
24 provided, including a substantial amount of digital evidence, and research legal and sentencing  
25 issues. Defense counsel needs further time to review plea and sentencing issues.

26 The parties stipulate and move the Court to exclude time under the Speedy Trial Act from the  
27 March 6, 2006 , until March 13, 2006, because the parties believe that the ends of justice served  
28 by the granting of such a continuance outweigh the best interests of the public and the defendant

STIPULATION REGARDING EXCLUDABLE TIME AND ORDER  
CR 05-00734-RMW

1 in a speedy trial, particularly since reasonable time is needed for the defense to prepare for  
2 pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii). The parties  
3 further stipulate that time may be excluded for reasonable time for defense  
4 preparation, since the failure to exclude time would deny counsel for the defendant reasonable  
5 time necessary for effective preparation, taking into account the exercise of due diligence,  
6 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

7 So stipulated.

8 Dated: February \_\_, 2006

KEVIN V. RYAN  
United States Attorney

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11 MARK L. KROTOSKI  
Assistant United States Attorney

12 So stipulated.

13 Dated: February \_\_, 2006

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15 ALAN SCHWARTZ  
Attorney for Defendant Brown

**ORDER**

Based upon the foregoing Stipulation and good cause appearing therefor,

**IT IS HEREBY ORDERED** that the status conference set for March 6, 2006 at 9:00 a.m. for defendant Brown shall be continued to March 13, 2006 at 9:00 a.m.

**IT IS FURTHER ORDERED** that the time between March 6, 2006 until and through March 13, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial under 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii) (complexity), 3161(h)(8)(B)(iv) (reasonable time necessary for effective preparation taking into account the exercise of due diligence).

DATED: February 8, 2006

/S/ RONALD M. WHYTE  
RONALD M. WHYTE  
United States District Judge